

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:17-CR-3-BO

UNITED STATES OF AMERICA :
 :
 v. : **MOTION FOR ISSUANCE OF**
 : **PRELIMINARY ORDER OF**
 : **FORFEITURE**
 ERIC CHRISTOPHER HALL :

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, requests that the Court issue an order of forfeiture in the above criminal action. In support of this motion, the Government shows unto the Court the following:

1. On January 12, 2017, the defendant, ERIC CHRISTOPHER HALL, was charged in a six-count Criminal Indictment, with violations of the Controlled Substance Act, specifically, 21 U.S.C. § 841(a)(1), and violations of the Gun Control Act, specifically, 18 U.S.C. §§ 922(g)(1), 924, and 924(c)(1)(A).

2. On February 13, 2018, the defendant was found guilty by Verdict of a jury as to Counts 2, 3, 4 and 6 of the Criminal Indictment, specifically, 21 U.S.C. § 841(a)(1) and 18 U.S.C. §§ 922(g)(1), 924, and 924(c)(1)(A).

3. By virtue of the entry of the Verdict on February 13, 2018, the United States is entitled to the defendant's interest in

the personal property specified in the Indictment, specifically, \$3,821.00 in United States currency.

4. The Court's jurisdiction in this matter is founded upon 21 U.S.C. § 853(a), which provides that with respect to any person convicted of a violation punishable by imprisonment for more than one year "[t]he Court, in imposing sentence..., **shall** order ...that the person forfeit to the United States all property described in this subsection " (emphasis supplied).

5. Pursuant to the guilty verdict by a jury, the Government requests that the Court enter, as the statute requires, an order of forfeiture regarding the subject personal property. Under Fed. R. Crim. P. 32.2(b)(1), "the court must determine whether the government has established the requisite nexus between the property and the offense." This determination may be based on "evidence already in the record...or, if the forfeiture is contested, on evidence or information presented by the parties at a hearing." *Id.* Here, no further evidence is necessary apart from the guilty verdict, and any information presented by the Government at sentencing.

6. Upon the issuance of a preliminary order of forfeiture, pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury

directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

WHEREFORE, based on the foregoing, the Court is requested to order, pursuant to 21 U.S.C. § 853, that the subject personal property be preliminarily forfeited to the United States, that upon resolution of all third-party claims and entry of a final order of forfeiture, that said subject property be disposed of in accordance with law.

Respectfully submitted this 14th day of June, 2018.

ROBERT J. HIGDON, JR.
United States Attorney

BY: /s/ Matthew L. Fesak
MATTHEW L. FESAK
Assistant United States Attorney
Attorney for Plaintiff
Civil Division
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-mail: matthew.fesak@usdoj.gov
NC State Bar No. 35276

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Preliminary Order of Forfeiture was served upon counsel electronically via ECF, this 14th day of June, 2018 to:

H. P. Williams, Jr.
Email: hpw@hpwilliamslaw.com

ROBERT J. HIGDON, JR.
United States Attorney

BY: /s/ Matthew L. Fesak
MATTHEW L. FESAK
Assistant United States Attorney
Attorney for Plaintiff
Civil Division
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-mail: matthew.fesak@usdoj.gov
NC State Bar No. 35276